

Message Text

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TO AMEMBASSY NASSAU

UNCLAS STATE 278798

E.O. 11652:N/A

TAGS: CGEN: JUDICIAL ASSISTANCE

SUBJECT: JUDICIAL ASSISTANCE AVAILABLE TO FOREIGN TRIBUNALS
UNDER BAHAMIAN PRACTICE

1' DEPARTMENT OF JUSTICE HAS REQUESTED EMBASSY'S ASSISTANCE
IN DETERMINING WHETHER BAHAMIAN COURTS WILL COMPEL TESTIMONY
AND/OR REQUIRE PRODUCTION OF OTHER EVIDENCE FROM
WITNESSES RESIDING IN THE BAHAMAS UPON THE REQUEST OF AN
AMERICAN COURT IN THE FORM OF LETTERS ROGATORY (OR ANY OTHER
FORM). JUSTICE DEPT. PARTICULARLY INTERESTED IN WHETHER
BAHAMAS HAVE ADOPTED STATUTE SUCH AS U.K.'S "FOREIGN
TRIBUNALS EVIDENCE ACT OF 1856" 19&20 VICTORIA C. 13. IF
THAT STATUTE OR ITS EQUIVALENT IS NOT IN FORCE, UNDER WHAT
CIRCUMSTANCES WILL THE BAHAMIAN COURTS ASSIST U.S. COURTS
IN PROCURING EVIDENCE FOR USE IN JUDICIAL PROCEEDINGS IN
U.S.

2. SEPARATE BUT RELATED QUESTION: DO THE BAHAMAS
CONTEMPLATE ACCEDING TO THE HAGUE CONVENTION ON THE
SERVICE ABROAD OF JUDICIAL AND EXTRA-JUDICIAL DOCUMENTS IN
CIVIL OR CRIMINAL MATTERS, DONE AT THE HAGUE ON 11/12/65?

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THIS CONVENTION PROVIDES A METHOD FOR SERVING PROCESS,
AND UK AND USG ARE PARTIES. HOWEVER, THIS CONVEN-

TION WAS NEVER EXTENDED TO THE BAHAMAS BY THE UK PRIOR TO
THE INDEPENDENCE OF THE BAHAMAS.

3. IN PREPARING REPLY TO PARA. 1, PLEASE REFER TO NASSAU
290 OF MAR. 5, 1973, CONCERNING PRE-INDEPENDENCE PRACTICE
IN PROVIDING JUDICIAL ASSISTANCE PRUSUANT TO LETTERS
ROGATORY. KISSINGER

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